

IN THE CIRCUIT COURT FOR HOWARD COUNTY

ERIC BEASLEY

v.

Case Number C-13-CV-23-000356

RICHARD H. GIBSON, JR.

OPPOSITION TO MOTION TO DISMISS AMENDED COMPLAINT

Come now the Plaintiff, representing pro se.

1. The captioned case is a simple one. This underlying suit is due to the Howard County State's Attorney Office failing to respond to a Maryland Public Information Act request in accordance with § 4-203(b)(2).
2. In the Motion to Dismiss, the Attorney General admits to violating the above section of the Maryland Public Information Act.
3. No further discussion is required on the merits of the actual lawsuit.
4. A refusal to respond to a PIA request is a functional denial of the request.
5. As this motion from the Attorney General shows, the State's Attorney is not acting in good faith, vastly strays from the real subject of the suit, and is unnecessarily combative without any cause.
6. Mr. Sandmann admits to making a mistake, which forced the Plaintiff to spend money to file a lawsuit against his office.
7. The Plaintiff is eligible to recover his actual damages from filing the captioned case.
8. A simple admission of making a mistake and reimbursement for the court fees could have ended this matter.
9. However, since the Attorney General would like to argue on unrelated matters, threaten the Plaintiff, document at least one prosecutor filing a false affidavit and committing perjury, and make some grotesque misstatements, the Plaintiff is happy to counter each of these points for the permanent public record.

Persuasive Case Precedent

10. A similar case emerged in Iowa, where the governor would refuse to respond to public information requests until after a lawsuit was filed.
11. In *Belins v. Reynolds*, The Supreme Court of Iowa held that "Plaintiffs could pursue claims that Defendants violated chapter 22 through delays in responding to Plaintiffs' open records requests."

Scott Hammond Consented to the PIA Request in Dispute

12. During a hearing on April 13th, 2023, Scott Hammond stated "I've gotten FOIA year requests, it's fine, he can have all my emails, it's great." The transcript is attached as Exhibit 1 and the above statement is on page 39.
13. Therefore, Mr. Hammond committed perjury in Exhibit 2 and has lied to the court.
14. This does not bode well for his career, especially any pending cases which involve a Grand Jury.
15. This transcript, and especially the hearing audio, reveals a clear pattern of misconduct from Mr. Hammond.
16. On page 41, the trial judge tells Scott Hammond "Well, don't yell at me." after one of his many tirades.
17. On page 31, Scott Hammond advocates on two occasions for the trial judge to ignore plain-language statute. The same way that his office and the Attorney General are asking the trial court to ignore the plain language of the MPIA Statute in their motion.

Participation with the PIA Ombudsman is related to excessive fees, not the failure to respond to the MPIA Timelines

18. The PIA Ombudsman participation is not related to the matters in the captioned case.

Controversy between the Parties still exists which must be resolved by the Circuit Court

19. At the time of filing the lawsuit, a controversy existed between the parties which is to be resolved by the Circuit Court.
20. The record will clearly show that the Howard County State's Attorney is not acting in good faith to resolve any of the above PIA disputes.
21. In fact, the record will show that Scott Hammond has engaged in egregious misconduct in order to pursue his personal vendetta against the Plaintiff.
22. Note that the AG is attempting to claim that the lawsuit itself is somehow a "public statement" against Mr. Hammond and therefore a violation of a court order to not speak publicly about Mr. Hammond.
23. The specifics about Mr. Hammond's conduct and actions were not mentioned in the original suit, other than to point out that Mr. Hammond gave consent for the Plaintiff to FOIA (of course a real lawyer in Maryland knows that FOIA is federal law and the MPIA is for Maryland access to public records) all of his emails.

The First Amendment

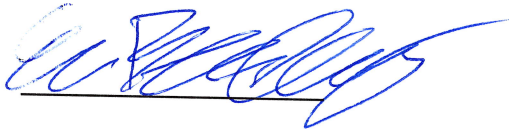
24. While Ms. Shiff, Mr. Gibson and Mr. Hammond have no concern for the First Amendment or the rule of law, this pro se litigant is going to go ahead and educate each on case precedent regarding access to the courts.
25. The Right to Access the courts was determined in *California Motor Transport Co. v. Trucking Unlimited*, 404 U.S. 508 (1972), holding that "The same philosophy governs the approach of citizens or groups of them to administrative agencies (which are both creatures of the legislature, and arms of the executive) and to courts, the third branch of

Government. Certainly the right to petition extends to all departments of the Government. The right of access to the courts is indeed but one aspect of the right of petition." The Court of Appeals also held in *Murphy v. Edmonds*, that "As the Hill, Whiting-Turner, and Johnson cases also point out, Article 19 does guarantee access to the courts, but that access is subject to reasonable regulation. A statutory restriction upon access to the courts violates Article 19 only if the restriction is unreasonable." "We have indicated, with regard to causes of action to recover for violations of certain fundamental rights, that an abrogation of access to the courts which would leave the plaintiff totally remediless would be unreasonable."

26. Therefore, an absolute bar on the Plaintiff filing a MPIA suit against the Howard County State's Attorney would be unreasonable.
27. As usual, Mr. Hammond is applying unreasonable logic to a situation clearly governed by case precedent, in order to harass, threaten, and bully the Plaintiff.

Wherefore, the Plaintiff request the following relief:

1. Dismiss the Plaintiff's Motion to Dismiss.
2. Any other relief as the Plaintiff's cause requires.

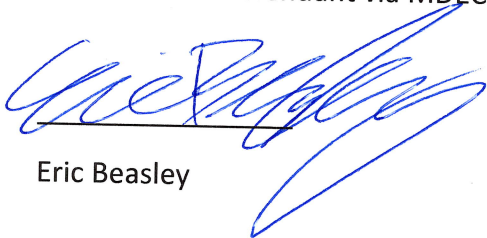


Eric Beasley

Pro Se

Certificate of Service

I hereby certify that on the 22nd day of June, a copy of this motion and associated exhibits were served to the Defendant via MDEC.



Eric Beasley